

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



INTERNATIONAL UNION OF OPERATING)
ENGINEERS, CRAFT-MAINTENANCE)
DIVISION UNIT 12,)
)
Charging Party,) Case No. S-CE-621-S
)
v.) PERB Decision No. 966-S
)
STATE OF CALIFORNIA, DEPARTMENT OF) January 5, 1993
PERSONNEL ADMINISTRATION (DEPARTMENT)
OF PARKS AND RECREATION,)
)
Respondent.)
_____)

Appearance: Van Bourg, Weinberg, Roger & Rosenfeld by Stewart Weinberg, Attorney, for Craft-Maintenance Division Unit 12, International Union of Operating Engineers.

Before Hesse, Chairperson; Caffrey and Carlyle, Members.

DECISION AND ORDER

CAFFREY, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the International Union of Operating Engineers, Craft-Maintenance Division Unit 12 of a Board agent's dismissal of its unfair practice charge for lack of jurisdiction and deferral to the parties' contractual arbitration process.

The Board recently issued a decision, State of California Department of Youth Authority (1992) PERB Decision No. 962-S (Youth Authority), in which the Board established a test to determine whether an arbitration clause survives the expiration of a collective bargaining agreement. The above-captioned case raises a similar issue which may be affected by the Board's decision in Youth Authority.

The Board finds that remanding this case to the PERB General Counsel for further investigation consistent with its decision in Youth Authority, is in the best interests of the parties and is consistent with the purposes of the Ralph C. Dills Act.¹

The Board hereby REMANDS this case, State of California Department of Personnel Administration (Department of Parks and Recreation). Case No. S-CE-621-S, to the PERB General Counsel for further investigation of the charge as appropriate.

Chairperson Hesse and Member Carlyle joined in this Decision.

¹The Ralph C. Dills Act is codified at Government Code section 3512 et seq.